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**FILED**

MAY 24 2006

MAY 24 2006

CLERK  
NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE

7  
8 IN THE UNITED STATES DISTRICT COURT  
9 NORTHERN DISTRICT OF CALIFORNIA

10 UNITED STATES OF AMERICA,  
11 Plaintiff,  
12 vs.  
13 YASENIA DE LUNA, ET AL.,  
14 Defendants.

CASE NO. CR 06-70237 PVT

STIPULATION TO CONTINUE  
DEFENDANT YASENIA DE LUNA'S  
INITIAL APPEARANCE BEFORE  
THE NORTHERN DISTRICT OF  
CALIFORNIA, AND proposed *RS*  
ORDER THEREON

15  
16 It is hereby stipulated by and between counsel for the UNITED STATES, MATTHEW  
17 A. LAMBERTI, ESQ., and counsel for Defendant. YASENIA DE LUNA, ROBERT E.  
18 CAREY, JR., ESQ., that the date set for initial appearance of Defendant DE LUNA in the  
19 Northern District of California of May 25, 2006, be continued until June 29, 2006, at 9:30  
20 am.

21 Ms. DE LUNA underwent surgery last Thursday, May 18, 2006, and is unable to  
22 travel for a two week period of time. Defendant's counsel is unavailable on June 8, June  
23 15, and June 22.

24 The parties further AGREE AND STIPULATE that the period of time from May 25,  
25 2006 through and including June 29, 2006, shall be excluded from the period of time within  
26 which an indictment or information must be filed under the Speedy Trial Act, 18 U.S.C.  
27 Section 3161, *et seq.* because the defendant needs additional time for continuity of  
28 counsel, to recuperate from surgery, and to arrange for the transportation from the District

1 of Colorado to the Northern District of California.

2 The parties also AGREE AND STIPULATE that the Court should enter the  
3 accompanying proposed order.

4 IT IS SO STIPULATED.

5 DATED: May 24, 2006

CAREY & CAREY

7 /S/

8 ROBERT E. CAREY, JR., Attorneys for  
Defendant YASENIA DE LUNA

10 DATE: \_\_\_\_\_, 2006

UNITED STATES OF AMERICA

12 /S/

13 MATTHEW A. LAMBERTI,  
Assistant U.S. Attorney

18 ORDER

19 Based upon the foregoing and good cause appearing therefor, the Court finds  
20 pursuant to Title 18 United States Code, Sections 3161(h)(1)(G), (h)(1)(H), and (h)(8)(A),  
21 considering the factors set forth in Section 3161(h)(8)(B), that the interests of justice in  
22 granting this continuance outweigh the defendant's and the public's interest in a speedy  
23 trial inasmuch as the defendant needs additional time for continuing of counsel, to  
24 recuperate from surgery, and to arrange for transportation from the District of Colorado to  
25 the Northern District of California, the initial appearance date for Defendant DE LUNA of May  
26 25, 2006, be vacated, and that a new initial appearance date in the Northern District of  
27 California be calendared for June 29, 2006, at 9:30 am.

28 IT IS FURTHER ORDERED THAT the period of time from May 25, 2006 through

1 and including June 29, 2006 be excluded from the period of time within which an indictment  
2 or information must be filed under the Speedy Trial Act, 18 U.S.C. Section 3161 *et seq.*

3 IT IS SO ORDERED.

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5 DATED: May 24, 2006

  
6 MAGISTRATE JUDGE RICHARD SEEBORG,  
7 U.S. DISTRICT COURT  
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